

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: Hoekstra et al.

Serial No.: 10/598,246

Examiner: Mabry, J.

Filing Date: August 22, 2006

Art Unit: 1625

For: Substituted Quinoline Compounds for use as Selective Estrogen
Receptor Modulation

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT UNDER § 1.705(d)**

Sir:

Applicants respectfully submit that the 0 days of Patent Term Adjustment (PTA) as indicated on the Notice of Allowance mailed on April 2, 2008 for the above-captioned patent is incorrect and that application Ser. No. 10/598,246 should receive 177 days of PTA.

Applicants respectfully traverse the calculation of PTA for the period beginning on the day of filing of the application (August 22, 2006) and ending on the date of first action by the Patent Office (telephonic restriction requirement of April 16, 2008). The U.S. Patent Office's Patent Term Adjustment History as indicated in the Patent Application Information Retrieval (PAIR) system (copy attached) shows no adjustment for the time before initial action, which extended 177 days beyond 14 months.

In accordance with 35 USC §154(b)(1)(A), PTA applies when the issue of an original patent is delayed due to the failure of the Patent and Trademark Office to "(i) provide at least one of the notifications under **section 132** of this title or a notice of allowance under **section 151** of this title not later than 14 months after [...] the date on which an international application fulfilled the requirements of **section 371** of this title [...]"

In the instant application, section 371 requirements were fulfilled on August 22, 2006. The first communication from the USPTO was a telephonic restriction requirement made April 16, 2008, which was 177 days beyond the 14 months referenced in 35 USC §154. A Notice of Allowance was thereafter mailed to Applicants on May 2, 2008. There are no delays due to Applicants, for purposes of PTA.

Applicants calculate the number of PTA days as follows:

Number of days beginning the day after the date that is 14 months after section 371 requirements were fulfilled and ... ending on the date of the telephonic restriction requirement:

22 August 2006 + 14 months = 22 Oct 2007

22 Oct 2007 → 16 April 2008 = 177 days

Accordingly, Applicants hereby request that the U.S. Patent Office correct the calculation of the Patent Term Adjustment for the present Application to **177 days**.

The present application ☐ is; ☒ is not subject to any Terminal Disclaimer and any expiration date specified in a Terminal Disclaimer (§ 1.705(b)(2)(iii)).

☐ The following circumstances arose during prosecution of the above-identified application that constitute a failure to engage in reasonable efforts to conclude processing of examination of the application (§ 1.705(iv)(A));

OR

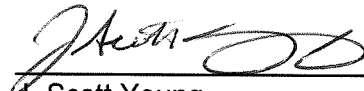
☒ There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the above-identified application (§ 1.705(iv)(B)).

PAYMENT OF FEES (check one box)

☐ A check in the amount of \$200.00 is enclosed for the consideration of this Request as required by 37 C.F.R. § 1.18(e).

☒ The Commissioner is hereby authorized to charge the required fees or credit any overpayment to Deposit Account No. 07-1392.

Respectfully submitted,



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Date: June 25 2008
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